

REMARKS

Upon entry of this Amendment, claims 1 and 6 have been amended; claims 7-12 have been withdrawn; and claims 13-25 have been newly added. Thus, claims 1-6 and 13-25 are pending with claims 1, 6 and 22 being independent claims.

REJECTIONS UNDER 35 U.S.C. § 102

The Office Action rejected claims 1-3 and 6 under 35 U.S.C. §102(b) as alleged being anticipated by Cooke, Jr. et al. U.S. Patent No. 6,574,629B1 ("Cooke"). The Applicants respectfully traverse the rejection.

The Applicants would like to point out that Cooke does not qualify as §102(b) reference. More particularly, 35 U.S.C. §102(b) requires that Cooke be published one year prior to the filing of the instant application. In the present case, Cooke was filed on December 1998 and published on June 2003 whereas the present application was filed on October 1999. Accordingly, the Applicants respectfully submit that Cooke is not a §102(b) reference. However, in the interests of compact prosecution, the Applicants assume a §102(e) basis for the rejection. However, the Applicants respectfully request a clarification of the basis of the rejection in a subsequent Office Action.

Claims 1-3 recite, *inter alia*, a discrete software system for interfacing with a central dictation system and a radiology information system having a first application module for interfacing with the radiology information system and a second application module for interfacing with the central dictation system and the first application module to communicate with the radiology information system. Claim 6 recites, *inter alia*, a method of interfacing a software system with a central dictation system and a radiology information system by providing a first and second application module.

The Office Action alleges that Cooke discloses each and every claim element of the claimed invention of claims 1-3 and 6. For example, the Office Action alleges that Cooke

discloses a first application module for exchanging radiology information by relying on Fig. 1, RIS 1, col. 7 lines 1-5 (see Office Action, pg 2). The Office Action also alleges that Cooke discloses a second application module for exchanging data messages with a central dictation system and with the first application module by relying on Fig. 1, col. 7 lines 1-5. The Applicants respectfully disagree.

More particularly, Cooke discloses a picture archiving and communication system (PACS). Cooke also discloses that the PACS system includes an archive station, reviewing station, a network gateway, and a database server, where these core components are arranged in a cluster (Cooke, col. 2 lines 19-32). Cooke further discloses that the core components are interfaced together using a fast-switched TCP/IP network (Cooke, col. 7, lines 4-5). The PACS system provides a method and system for displaying and archiving image data. The PACS also allows a user to add dictation to a selected study (Cooke, col. 29, lines 5-39). Accordingly, Cooke discloses an integrated image display and archive system with dictation capability.

The claimed invention of claims 1-3 and 6, on the other hand, recites a software system that provides an interface between a central dictation system and a radiology information system. The discrete software system includes a first application module that is configured to interface with the radiology information system and a second application module that is configured to interface with the central dictation system and the first application module.

By stark contrast, Cooke discloses an integrated image display and archive system with dictation capabilities as discussed above. Thus, Cooke fails to disclose a distinct radiology information system and a distinct central dictation system as recited by claims 1-3 and 6, much less a software system configured to interface with the radiology information and central

dictation systems. Clearly, an integrated radiology information system is not equivalent to a software system configured to interface with a central dictation system and a separate radiology information system.

Moreover, Cooke fails to disclose a first application module of the software system configured to interface with a radiology information system. As noted above, the Office Action relies on Cooke to disclose a RIS as the first application module (see Office Action, pg. 2). Since the RIS is a “core” component of the PACS system, the RIS could not be a first application module part of a software system configured to interface with a radiology information system. More specifically, the RIS is an internal module of the PACS system where an embodiment of the invention as recited by claim 1-3 and 6 would be configured to interface with the RIS. Accordingly, Cooke fails to disclose each and every element of the claimed invention.

Cooke also fails to disclose a second application module of the software system configured to interface with a central dictation system and the first application module. As noted above, the Office Action relies on Cooke to disclose a reviewing station (see 7, Fig. 1) as the second application module. However, the reviewing station is another “core” component of the PACS system, which permits a user to add dictation to a study being reviewed on the station. In essence, the dictation capability is integrated within the PACS system. Thus, Cooke teaches away from a central dictation system as a separate system from a radiology information system.

In contrast, the invention of claims 1-3 and 6 recite a software system configured to interface with a central dictation system and a radiology information system. In essence, implying two distinct systems whereas Cooke discloses a single integrated system. Thus, Cooke

fails to disclose a second application module configured to interface with a central dictation system.

Accordingly, Cooke fails to disclose each and every claim element of the invention as recited by claims 1-3 and 6. Thus, it is respectfully submitted that claims 1-3 and 6 are patentable over the cited prior art and that the rejection be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103

The Office Action rejected claim 4 under 35 U.S.C. §103(a) as being allegedly unpatentable over Cooke. The Applicants respectfully traverse the rejection.

Claim 4 recites, *inter alia*, a discrete software system for interfacing with a central dictation system and a radiology information system having a first application module for interfacing with the radiology information system and a second application module for interfacing with the central dictation system and the first application module to communicate with the radiology information system.

As described above with respect to independent claim 1, Cooke fails to disclose each and every claim element of the invention. Since claim 4 depends from claim 1, claim 4 is unobvious for at least the same reasons with respect to independent claim 1. Accordingly, it is respectfully submitted that claims 4 is patentable over the cited prior art.

The Office Action rejected claim 5 under 35 U.S.C. §103(a) as being allegedly unpatentable over Cooke and in view of Peng U.S. Patent No. 6,317,754B1 ("Peng"). The Applicants respectfully traverse the rejection.

Claim 5 recites, *inter alia*, a discrete software system for interfacing with a central dictation system and a radiology information system having a first application module for interfacing with the radiology information system and a second application module for interfacing with the central dictation system and the first application module to communicate with the radiology information system.

The combination of Cooke and Peng fails to teach or suggest each and every claim element of the claimed invention as recited by claim 5. More particularly, as described above, Cooke fails to teach or suggest a discrete software system for interfacing with a central dictation system and a radiology information system having a first application module for interfacing with the radiology information system and a second application module for interfacing with the central dictation system and the first application module to communicate with the radiology information system. Peng fails to rectify this deficiency.

Instead, Peng suggests a system for synchronizing versions of an object stored at different servers (Peng, col. 2, lines 53-54). Peng also suggests that a summarizing version vector is sent from a first location to a second location to implement the synchronization (Peng, col. 3, lines 27-32). The summarizing version vector is compared to a selected object at the second location for differences. The selected object is forwarded to the first location when the version vector is newer than the selected object (Peng, col. 3 lines 30-49). Accordingly, Peng suggests a method for synchronizing objects in a distributed database system.

By contrast, the claimed invention recites a discrete software system configured to interface with a central dictation system and a radiology information system. Clearly, a system for synchronization of database objects is not equivalent to a software system for integrating two distinct systems.

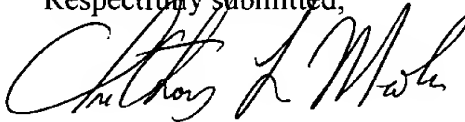
Since Cooke and Peng each fail to teach or suggest each and every claim element of the claimed invention as recited by claim 5, the combination of Cooke and Peng also fails to teach or suggest each and every claim element. Accordingly, it is respectfully submitted that claim 5 is patentable over the cited prior art and it is requested that the rejection be withdrawn.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,



Anthony L. Meola (Reg. No. 44,936)
Anderson I. Chen (Reg. No. 44,436)

Date: December 4, 2003

HOWREY SIMON ARNOLD & WHITE, LLP
Box No. 34
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2402
(202) 783-0800